

Benefits of Employing Early Preliminary Assessments of Active Mining Sites

- Applying CERCLA early at high risk active mines, instead of waiting for closure of those mines, has the advantages that an operating facility generally is financially solvent, has a positive cash flow, can pay for cleanup activities, and can obtain financial assurance required under a CERCLA order.
- The goal of the OECA National Mining Initiative for CERCLA was to use early CERCLA assessments and evaluations of high risk operating mine sites that are not yet on the NPL in an effort to prevent them from becoming new NPL sites.
 - The OECA National Mining Initiative incorporated the early use of CERCLA authorities (e.g., Preliminary Assessment/Site Inspection (PA/SI)) at active mining sites to identify and address potential contamination and ensure adequate financial assurance instruments are in place at active mine sites while mining companies are still viable, and to address gaps created by the RCRA Bevill Exemption.
 - Implementation of the strategy was achieved primarily by conducting PA/SIs at active mining sites.
 - With minimal up-front expenditures, EPA identified potential problems at these active mining sites, and by addressing those problems, EPA may have taken a significant step toward helping to prevent these mine sites from becoming future Superfund sites.
- At a 2014 OSWER/OECA AA meeting, Cynthia Giles and Mathy Stanislaus discussed the success of OSRE's mining pilots at Superfund sites as part of OECA's National Mining Initiative, and Mathy supported funding future pilots. OSRE subsequently obtained funding from OSWER for 2015 to pursue early actions at additional active mining sites.
- While it is difficult to estimate the exact cost savings to the program as a result of these PA/SIs at active mining sites, preventing just one of these sites from becoming a future Superfund site, with the United States having sole responsibility for implementing response actions, represents significant savings to the program that could easily be in the hundreds of millions.
- In addition, it is expected that the PA/SIs at these sites can assist the Office of Resource Conservation and Recovery in gaining a better understanding of earlier enforcement at mining, and potentially other, sites, and assist in the drafting of the 108(b) Financial Assurance Rule.

Site Summaries:

Cripple Creek and Victor (CCV) Gold Mining Site

- Through PA, Region 8 identified UIC permit as primary concern to pursue further; EPA has direct responsibility for implementation of the UIC program under the Safe Drinking Water Act; Class V Well Program has not been delegated to the State of Colorado.
- CCV needs Federal UIC permit for portions of expansion project involving disposal of fluids underground.

- February 2014 EPA met with CO and CCV mine environmental compliance officers to discuss concerns about heap leach facility closure plans and concerns that current closure plans do not comply with UIC rules.
- Alternatives for closure were proposed by CCV officers and discussed, will be considered by Region 8 UIC staff.
- **CCV pilot has taken major step toward goal, as presented in Initiative, of helping to prevent the mine site from becoming a future NPL site:** early assessment and evaluation has identified UIC permit issue; UIC permit, and future requirements, with monitoring by Region 8, will help prevent site from becoming future Superfund site.
- Additional interaction with State and CCV could lead to more protections.

Challenges

- Significant sensitivity due to State concern re EPA involvement at active mining site, which is regulated by the State, along with Congressional interest from several CO Congressional reps. Similar challenges could be faced in many other western states due to their reliance on mining.

Thompson Creek Mining Site, Idaho

- Region 10 completed a PA/SI on Federal Lands in 2013 to determine future release scenarios and the cost of implementing long-term water treatment. The Region spent approximately \$17,000 to conduct the PA/SI. The PA summary indicated several areas of concern.
- EPA identified a number of significant concerns and provided recommendations for resolving the concerns. EPA also pointed out that some of the concerns were of sufficient magnitude to support an adverse rating if not resolved.
- The final SI was submitted with the Region's final comments on the EIS.
- The SI Report for the site looked specifically at potential release scenarios in the absence of financial assurance for long term water quality treatment. An independent cost estimate range for long term water quality treatment was also included.
- **Thompson Creek pilot accomplished significant steps toward the Initiative's goal of identifying concerns early on and implementing measures to help prevent operation from becoming a future Superfund site:** early assessment and evaluation identified that the current assessment of financial assurance was deficient for long term water quality treatment. EPA successfully voiced concern about adequate financial assurance and made it clear to all stakeholders that CERCLA tools were applied to ensure a positive outcome (the SI report was provided). Although BLM is unwilling to include the actual cost estimate for financial assurance in the EIS, BLM will include language regarding financial assurance in the EIS.